

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

MICHAEL CARGILL	:	
	:	CIVIL ACTION NO.: 1:19-CV-349
Plaintiff,	:	
	:	
v.	:	
	:	
MERRICK B. GARLAND,	:	
IN HIS OFFICIAL CAPACITY AS	:	
ATTORNEY GENERAL	:	
OF THE UNITED STATES, et al.	:	
	:	
Defendants.	:	

**UNOPPOSED MOTION TO TEMPORARILY STAY BRIEFING DEADLINE
RE PLAINTIFF'S RULE 60 MOTION**

On March 28, 2023, Plaintiff filed a motion for relief under Rule 60 or, in the alternative, under Rule 59, seeking a further order of relief from this Court's entry of judgment for Mr. Cargill following the Fifth Circuit's *en banc* decision in *Cargill v. Garland*, 57 F.4th 447, 473 (5th Cir. 2023). *See* ECF No. 68. The Government's response to that motion is due April 18, 2023. *See* Text Order of April 11, 2023. The Government has moved to stay further litigation in the district court pending the Supreme Court's disposition of the case. *See* ECF No. 70. The Government now seeks to stay its deadline to respond to Plaintiff's motion pending the Court's ruling on the Government's motion to stay. Plaintiff's counsel represents that Plaintiff consents to the relief sought in this motion.

Good cause exists to grant this motion. This is the second extension sought with regard to this motion and it will not affect other deadlines in this case. The purpose of the extension is to permit the Court time to consider the Government's pending motion to stay the case, including Plaintiff's response and the Government's reply, if any. *See* ECF No. 70. The temporary stay will

preserve to the parties the benefit of the relief sought in that motion—specifically, the conservation of the parties’ resources and the avoidance of unnecessary briefing. As noted above, Plaintiff consents to this temporary stay to permit the Court to rule on the motion.

Accordingly, Defendants respectfully ask this Court to stay the Government’s deadline to respond to Plaintiff’s pending motion.

Dated: April 17, 2023

Respectfully submitted,

BRIAN M. BOYNTON
Principal Deputy Assistant Attorney General

BRIGHAM J. BOWEN
Assistant Branch Director
Federal Programs Branch

/s/ Michael F. Knapp
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Counsel for Defendants

CERTIFICATE OF CONFERENCE

I hereby certify that on April 17, 2023, I conferred with Counsel for Plaintiff via email and Counsel for Plaintiff represents that Plaintiff consents to the relief requested.

/s/ Michael F. Knapp

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